

2017

European Trends in Advertising Complaints, Copy Advice and Pre-clearance



EASA

EASA – the European Advertising Standards Alliance is the single authoritative voice on advertising self-regulation in Europe. EASA promotes high ethical standards in commercial communications by means of effective self-regulation for the benefit of consumers and business in Europe and beyond.

Effective advertising self-regulation helps ensure responsible advertising, meeting consumers' demand for honesty and transparency, regulators' demand for responsibility and engagement and businesses' demand for freedom to operate responsibly. EASA and its members have developed a robust and coherent system of advertising self-regulation that can respond effectively to new challenges.

EASA is not a Self-Regulatory Organisation (SRO) in itself, but acts as a co-ordination point for best practice in the implementation of self-regulation, as well as operational standards for its national SRO members. Part of EASA's role involves coordinating the cross-border complaint mechanism. EASA also collects and analyses top line statistical data on received and resolved complaints, as well as on copy advice requests and pre-clearance from its SRO members each year.

EASA was set up in 1992 to represent national SROs across Europe. In 2004, it developed into a partnership between the SROs and organisations representing the advertising industry. Today, EASA is a network of 41 organisations committed to making sure advertising is legal, decent, honest and truthful. EASA's membership is made up of 27 European SROs, and 14 advertising industry associations, including advertisers, agencies and the media. EASA is a not-for-profit organisation with a Brussels-based Secretariat. For further information please visit www.easa-alliance.org.

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1 Key Findings

This report shows the main trends in advertising complaints and requests for copy advice and pre-clearance made throughout 2017¹. It is based on data collected by the 27 European SROs in 25 European countries.

- **56.863 complaints related to 32.992 advertisements were received by the European SROs in 2017**
- **The UK and Germany accounted for a total of 72% of all complaints received in Europe, while the most complained about advertisement originated in France**
- **Misleading advertising remained the most complained about issue (53% of complaints) but concerns over taste, offense and social responsibility remained high as well (38% of complaints)**
- **On average, SROs resolved 89% of received complaints within two months**
- **Digital Marketing Communications became the overall most complained about medium (57% of complaints)**
- **Advertisements for health and beauty products and services, leisure and financial services were the most complained about**
- **135 complaints were cross-border in nature, showing a 1% decrease from last year**
- **90.957 requests for copy advice were submitted to the SROs in 2017**
- **83.249 ads were pre-cleared by the three SROs providing this service**

¹ Data was collected by SROs from 01/01/2017 – 31/12/2017 and provided to EASA in 2018.

1.1 Methodology

Every year, EASA collects statistical complaint² data from the advertising self-regulatory organisations (SROs) in its membership. The present report covers data³ from 27 SROs in 25 countries⁴ (22 SROs from the EU28 as well as the SROs in Switzerland, Norway⁵ and Turkey).

The data collected by EASA identifies the issues which prompted complaints; the product/services sector that generated the most complaints and the medium that carried the most complained-about ads. The annual collection and analysis of complaints data are a useful tool in determining and anticipating trends as well as in identifying any problematic sectors or issues.

The main method used for data processing is the calculation of the European averages based on aggregate complaints data. It is a method which relies on the calculation of the sum of the total complaints resolved by each SRO per issue, product or medium, etc. Subsequently, the percentage has been computed in relation to the total number of complaints. Where appropriate, the European mean averages are also presented, which rely on average share of complaints (in percentages) in each country.

The number of complaints received by individual SROs can vary greatly (see table 1, section 2.1). The European average is thus not necessarily mirroring the share of complaints per issue, medium etc. at national level. For national complaints data or further information please contact the [EASA secretariat](#).

² A complaint is defined as an expression of concern about an advertisement by a member of the public, a competitor or an interest group (among others), which requires a response from an SRO. A complainant can raise one or more concerns about the ad within the same complaint.

³ The report covers data on complaints received and handled from 1 January to 31 December 2017.

⁴ Previous reports included figures for Lithuanian SRO – Lietuvos Reklamos Biuras (LRB); no figures from this SRO were provided for 2017

⁵ Norwegian SRO (MFU) was added to the statistics collection for the first time in 2017.

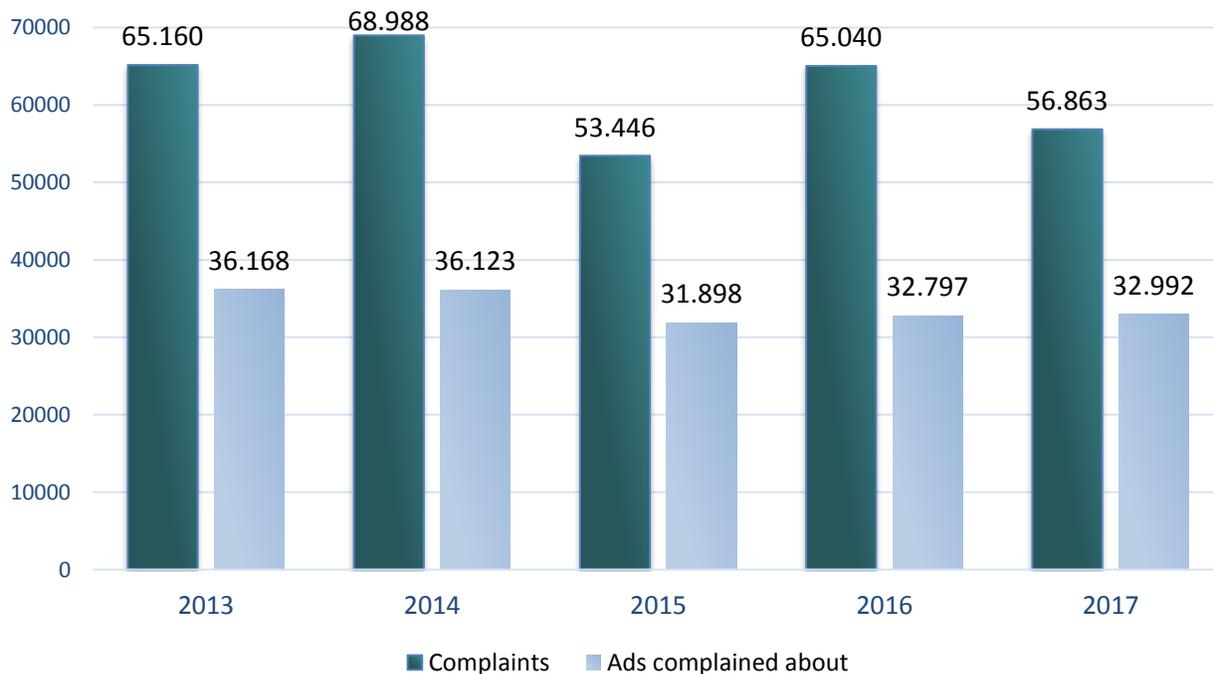
2 Complaints in Europe in 2017

56.863 complaints about 32.992 advertisements in Europe

In 2017, EASA’s network of European self-regulatory organisations (SROs) received and dealt with a total of 56.863 complaints related to 32.992 advertisements. The number of received complaints decreased by 13% compared to 2016. (see Figure 1 below).

The number of complained about ads remained relatively stable (with a slight 1% increase). This shows that the increase in complaints figure the previous year was particularly associated with a highly controversial ad campaign which attracted an unusually high number of complaints⁶ that caused more consumers to contact their local SRO. In comparison, the most complained about ad in 2017 attracted 4.8 times or 80% less complaints than the most complained about ad in 2016⁷.

Figure 1: Complaints received across Europe from 2013 to 2017



Source: EASA European SRO member statistics 2017

⁶ For more information please check EASA [2016 European Trends in Advertising Complaints, Copy Advice and Pre-clearance report](#)

⁷ For more information on the top 10 most complained about ads please refer to section 2.2 of this report.

NL – SRC	3	3.618	3.696	4.240	3.245	3.483
SE – Ro ⁸	4	3.467⁹	3.962	3.956	4.985	3.798
FR – ARPP	5	2.338	544	555	3.171	450
IE – ASAI	6	2.101	1.329	1.221	1.394	1.231
ES – AUTOCONTROL	7	1.785	1.806	317	308	256
IT – IAP	8	819	1.152	1.516	954	4.851
AT – ÖWR	9	504	308	248	641	211
BE – JEP	10	418	187	403	213	374
PL – RR	11	323	707	692	2.488	4.379
RO – RAC	12	158	142	132	164	135
TR – RÖK	13	113	239	308	517	896
SK – SRPR	14	105	101	125	156	222
FI – MEN	15	96	89	125	46	54
GR – SEE	16	78	98	88	123	149
CY – CARO	17	70	15	19	19	11
BG – NCSR	18	52	33	46	39	58
CH – CSL/SLK	19	34	158	149	173	130
HU – ÖRT	20	30	7.325	17	12	18
NO - MFU ¹⁰	21	30	161	10	1	-
CZ – CRPR	22	25	61	68	66	70
SI – SOZ	23	22	25	18	17	10
PT – ICAP	24	9	19	7	17	13
LU – CLEP	25	2	12	1	2	3

Source: EASA European SRO member statistics 2017

⁸ The reporting represents the cumulative number of other Swedish SR bodies dealing with consumer complaints

⁹ In 2017, the complaints numbers in different Swedish self-regulatory organizations were the following: Reklamombudsmannen (Ro.) – 513; Alkoholgranskningsmannen (AGM) – 73; Etiska rådet för betaltelefoni – 1350; IGN – 34; DM Nämnden – 1426; Spelbranschens Etiska Råd (SPER) - 4

¹⁰ Matbransjens Faglige Utvalg/Norwegian (MFU) is Norwegian Food and Drink Industry Professional Practices Committee (MFU) – an industry lead ad self-regulatory body established in 2013 and only working in the area of food and drink marketing aimed at children. MFU is not a member of EASA but it participates in selected EASA network activities. For more information please visit www.mfu.as.

2.2 The Most Complained About Ads

The most complained about ad in 2017 originated in France

The most complained about ad

In 2017, the most complained about advertisement in Europe originated in France. The French SRO, ARPP, received 7,314 complaints about a provocative outdoor campaign by the municipal government of Mairie de Béziers city, requesting the federal government of France to invest more in a high-speed train line (Train à Grande Vitesse, TGV) and establish such a line near Mairie de Béziers city.

- Outdoor ad
- 1.519 complaints
- Out of remit

A series of outdoor ads were produced in relation to this campaign. The ads that triggered most complaints showed a woman tied to a railway track with a steam train approaching featuring the slogan “With the TGV she would have suffered less” (see image below on the left side) and the image of a doctor holding a TGV train model like a new-born baby while standing between the legs of a woman in labour position featuring the slogan “TGV Occitanie, when will you (finally) give birth?” (see image below on the right side). The complainants felt disturbed by such imagery and filed their complaints to the ARPP.



As defined in the [Rules of Procedure](#) of the Advertising Ethics Jury in France, the ARPP is only competent for complaints relating to commercial advertisements and “The Jury is not competent to decide on

electoral propaganda, leaflets and other political or trade union documents (Art. 3).” The Mairie de Béziers/TGV campaign, whose purpose was to criticize the lack of access to the region by the absence of a high-speed train line, was of political nature and, since political ads do not fall within the remit of the Advertising Ethics Jury, the SRO could not formally decide on its content. However, the Jury issued a comment stating that these ads “appear to be inconsistent with the provisions of the ARPP’s ["Image and Respect for the Person"](#) Recommendation and the [Consolidated ICC’s Advertising and Marketing Communications Code](#)” which set out the basic principles towards respecting the dignity and portrayal of the person, condemn incitement to violence or behaviour which would be prejudicial to safety.

The second most complained about ad

The second most complained about ad - ‘The Whole Chicken’ - originated in the UK and received 755 complaints. It was a TV ad by the advertiser Kentucky Fried Chicken (KFC) UK.

- TV ad
- 755 complaints
- Not upheld

The ad featured a chicken dancing to a rap music soundtrack with the words “The Chicken. The Whole Chicken. And Nothing but the Chicken”.

The UK’s self-regulatory organisation, the ASA, received complaints that the ad was disrespectful to chickens and distressing for vegetarians, vegans and children, and that it depicted a chicken who was heading for slaughter. However, the ASA ruled that it was unlikely that the ad would cause distress or serious or widespread offence as there were no explicit references to animal slaughter and did not uphold the complaints.



The third most complained about ad

The third most complained about ad also originated in the UK and received 455 complaints. It was a TV ad by the British advertiser Moneysupermarket.com Ltd (a price comparison website specialising in financial services). The same advertiser has created also in previous years controversial campaigns and was featured in EASA's European Top Three and ASA's Top Ten list of the most complained about ads for 2015 and 2016

- TV ad
- 455 complaints
- Not upheld

Like previous ads of the same campaign, 2017's ad re-featured the two #epicsquads – the strutters and the builders – and a new female character. The complainants found the ad to be offensive on the grounds that it was overtly sexual and possibly homophobic. However, the ASA thought that the character's movements would generally be seen as dance moves and not in a sexual context. The SRO also noted that most viewers would recognise the ad's intended take on humour and light-heartedness. Therefore, the ASA ruled it was unlikely to condone or encourage harmful discriminatory behaviour and did not uphold the complaints.

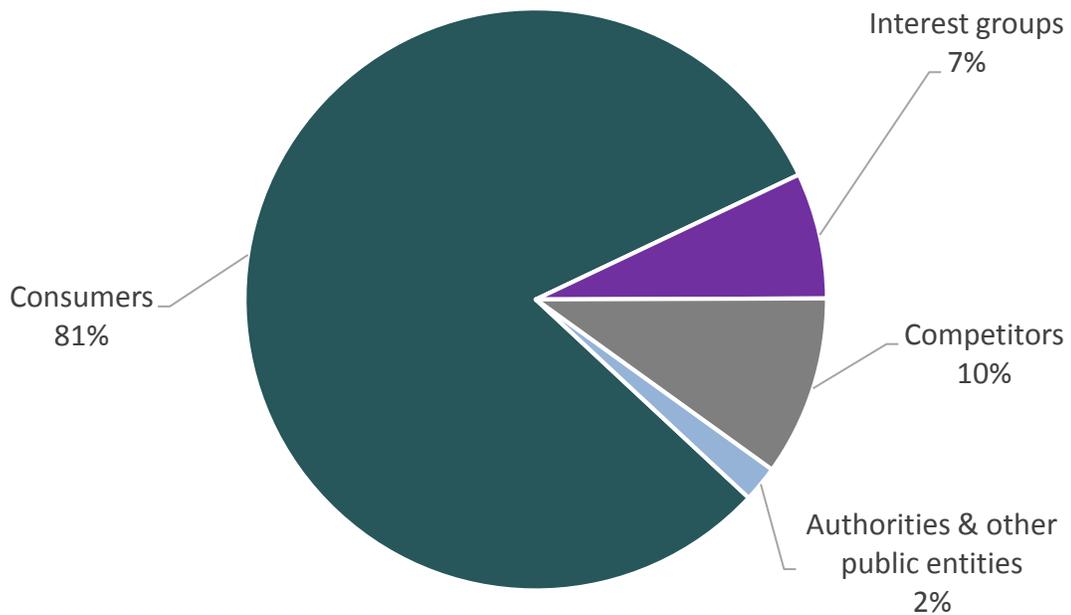


2.3 Source of Complaints Received

The majority of complaints were lodged by consumers

In 2017, 81% of complaints received by SROs were from consumers, 10% from competitors, 7% from interest groups and 2% authorities from and other public entities (see Figure 3).

Figure 3: Source of complaints received across Europe in 2017 (European total average)



Source: EASA European SRO member statistics 2017

The share of complaints made by consumers has slightly decreased in comparison to previous year when 84% of complaints were lodged by the general public. Meanwhile, slightly more B2B complaints were handled by the SROs in 2017 (by 2%).

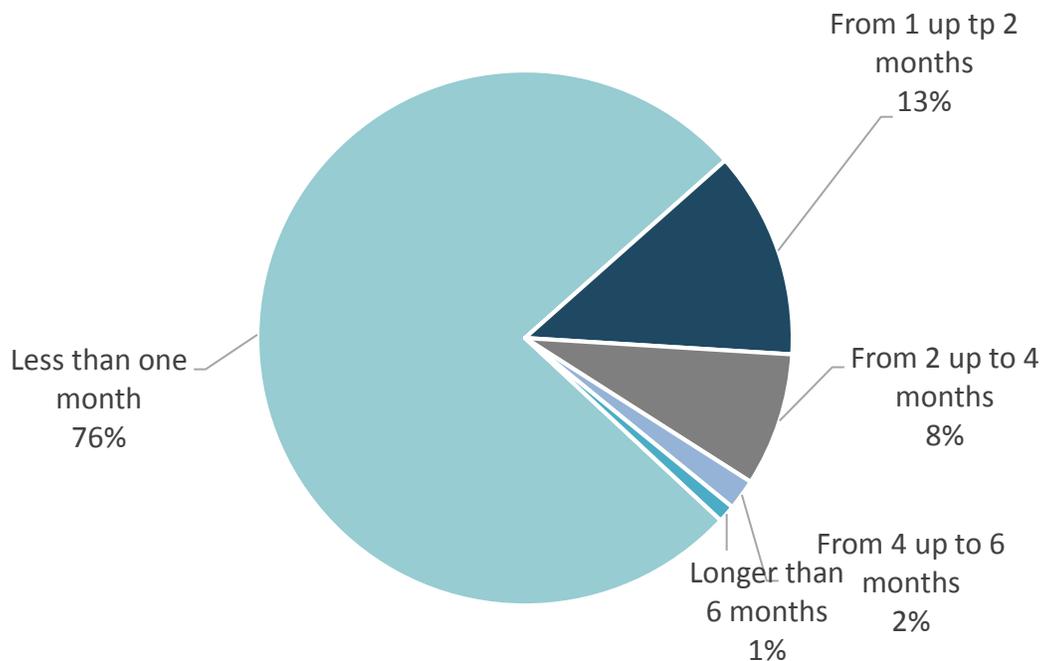
2.4 Speed of Complaint Resolution

The majority of complaints were handled in less than one month

The speed of complaint resolution varies depending on the complexity of a case. Simple cases can be resolved in as little as three days, whereas more complex cases may take longer. If scientific substantiation of advertising claims is required, complaints may lead to a prolonged investigation.

In 2017, SROs resolved on average 76% of complaints received in less than one month. 13% of the complaints, were resolved within two months. Only a small fraction of complaints, around 1%, required an investigation period longer than 6 months. For an overview, see Figure 4.

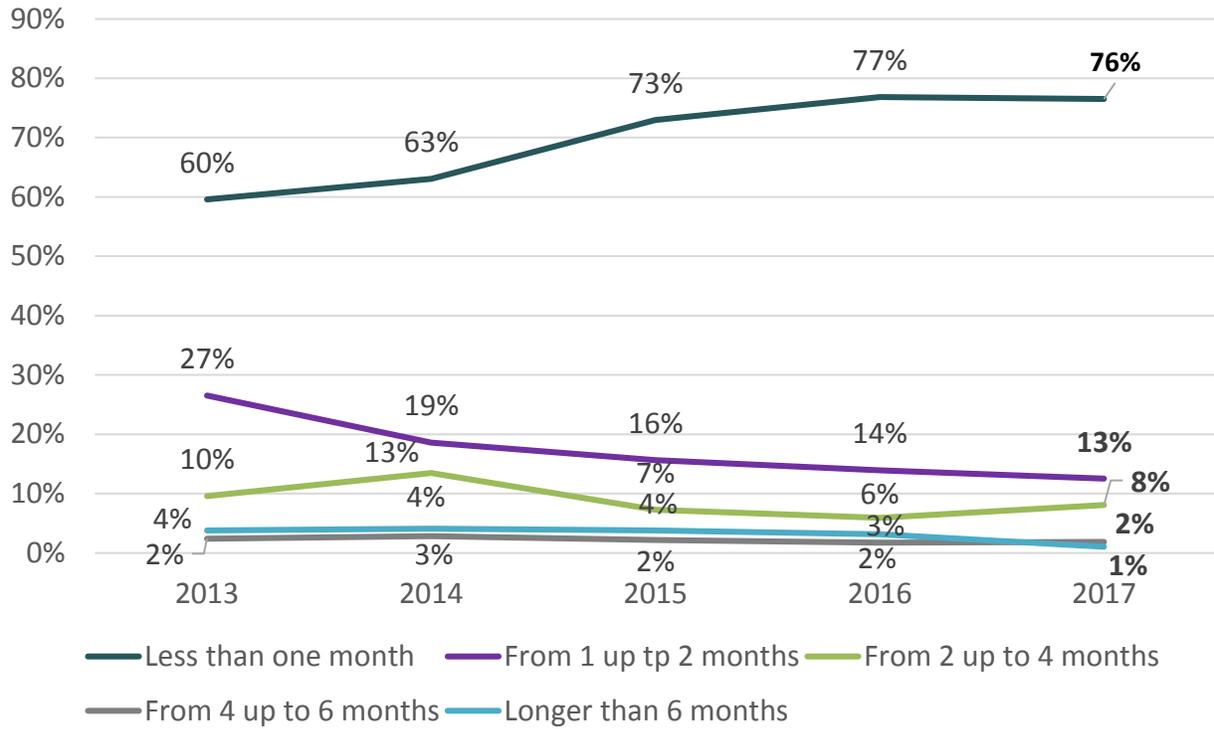
Figure 4: Speed of complaint resolution across Europe in 2017 (European total average)



Source: EASA European SRO member statistics 2017

As illustrated in Figure 5, the speed on complaint resolution in European SROs has remained similar to the tendencies of the recent years.

Figure 5: Speed of complaint resolution across Europe from 2013 to 2017 (European total average)



Source: EASA European SRO member statistics 2017

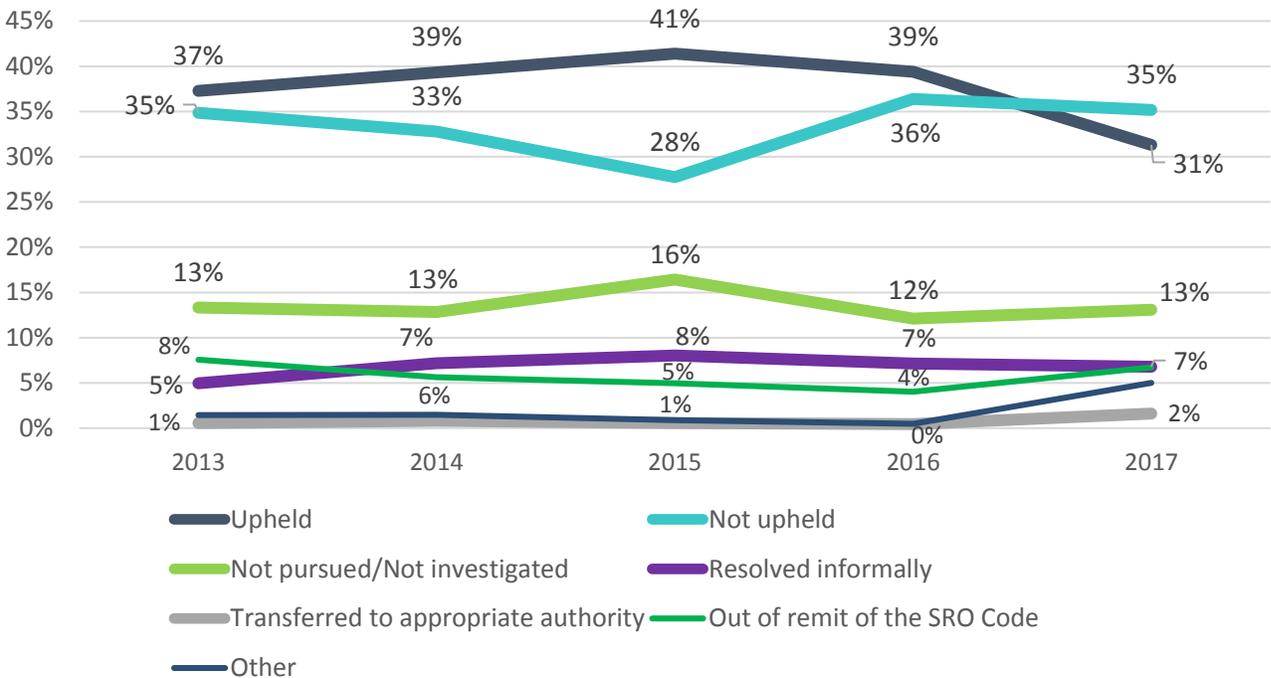
2.5 Outcome of Complaints Resolved

On average, 31% of the resolved complaints were upheld, while 35% were not upheld

In 2017, on average 31% of the resolved complaints were upheld. In these cases, the responsible SRO's jury considered the advertisement complained about in breach of the national advertising code. Conversely, 35% of complaints were not found in breach of the relevant advertising codes and were therefore not upheld.

In addition, 13% of complaints fell into the “not pursued/not investigated” category. This means that complaints were initially assessed but could not be pursued further, for instance, because complainants did not provide sufficient information. A further 7% of complaints were resolved informally and another 7% were found out of remit. Finally, around 2% of complaints were referred to the appropriate regulatory body.

Figure 6: Outcome of complaints across Europe from 2013 to 2017 (European mean average)



Source: EASA European SRO member statistics 2017

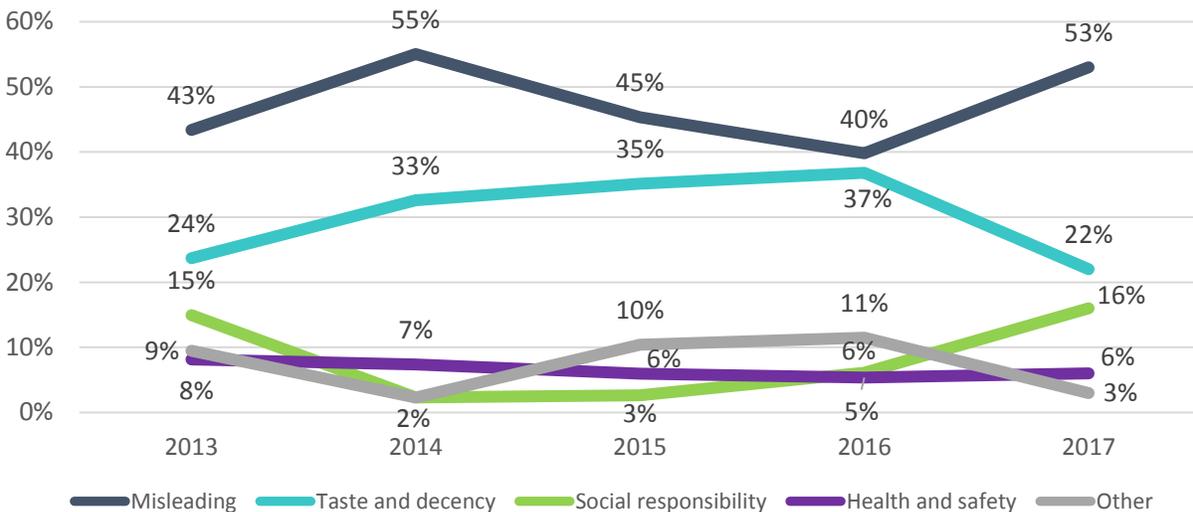
Figure 6 shows the dynamic of complaints' outcomes between 2013 and 2017. It illustrates relatively stable tendencies of outcomes of the complaints in the recent years which fluctuates to some degree on the annual basis due to the nature of complaints.

2.6 Issues Complained About

Consumer concerns over misleading advertising increased in 2017

Figure 7 illustrates the reasons for complaints between 2013 and 2017. Misleading advertising remained the biggest cause for concern in 2017 causing 53% of all complaints received and dealt with by the SROs. It is also important to note that while the number of complaints related to taste and decency issues decreased in 2017 to 22%, social responsibility issues triggered an increased number of consumer complaints (16% of all complaints). This means that overall around 38% of all complaints were related to concerns over offense, harm and social decency, which is similar to the share of complaints registered in 2016 (i.e. 43%).

Figure 7: Issues complained about across Europe from 2013 to 2017 (European total average)¹¹

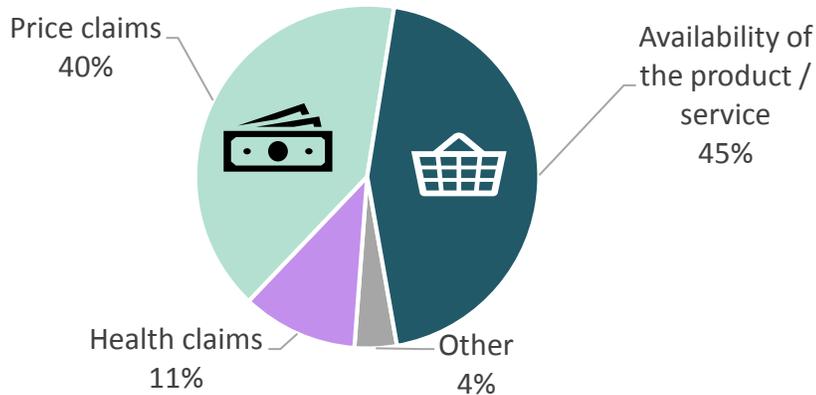


Source: EASA European SRO member statistics 2017

As illustrated by Figure 8, out of all complaints relating to allegedly misleading ads, 45% concerned availability of the product or service and 40% were related to price claims.

¹¹ For France (ARPP) and Switzerland (CSL/SLK), only complaints that were pursued are included. For Lithuania (LRB), no figures were available. For the Netherlands (SRC), only complaints that were handled by the Advertising Code Committee are included.

Figure 8: Distribution of complaints under the category of *misleadingness*

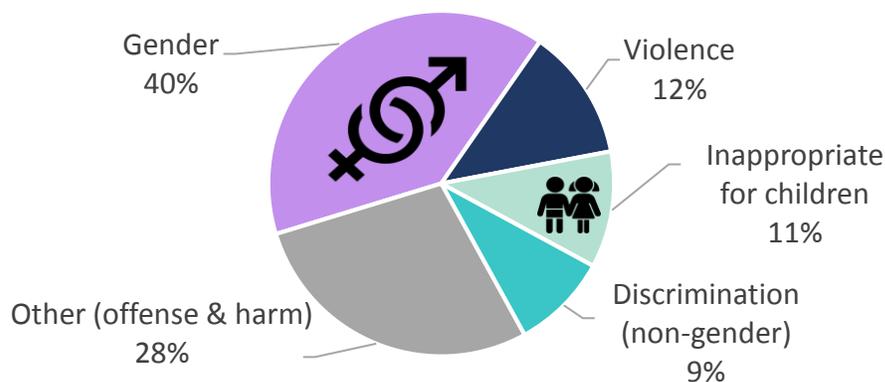


Source: EASA European SRO member statistics 2017

Furthermore, as illustrated in In comparison, the most complained about ad in 2017 attracted 4.8 times or 80% less complaints than the most complained about ad in 2016.

Figure 1Figure 9 of all complaints concerning taste and decency as well as social responsibility, 40% were related to gender depiction in advertising (e.g. harmful stereotyping, discrimination, objectification, body image, etc.), 12% concerned violence, 11% were considered inappropriate to be seen by children, and 9% were related to other types of discrimination.

Figure 9: Distribution of complaints under the categories of taste and decency and social responsibility



Source: EASA European SRO member statistics 2017

Finally, health and safety issues in advertisements prompted 6% of all complaints received and dealt with across Europe.

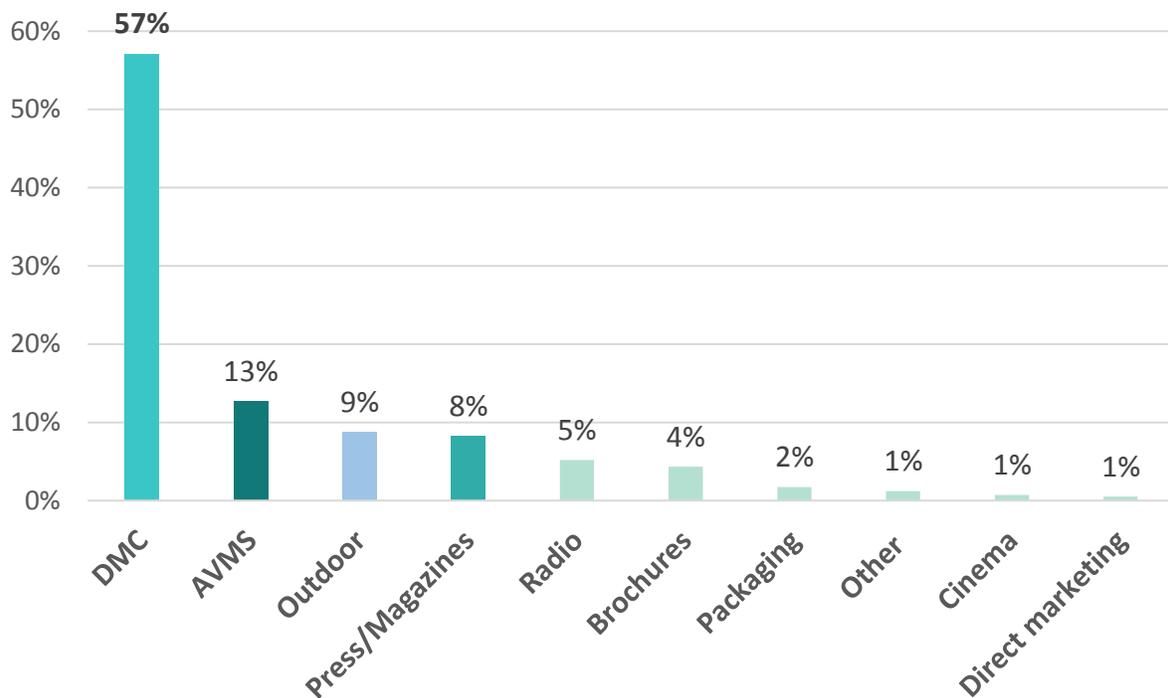
2.7 Media

Digital Marketing Communications were the most complained about media

Digital Marketing Communications (DMC) accounted for the highest share of all complaints in Europe in 2017 with 57% of the total amount of complaints and 24% more than in 2016. These complaints included media types such as marketers' websites, display ads, online games, social media websites, influencer marketing, native advertising, in-app advertising and other digital media channels.

Ads broadcast on audio-visual media services ranked second (following the trend of 2016) with an overall 13% of all complaints. Outdoor advertising campaigns prompted 9% of all complaints and advertising in printed press/magazines accounted for 8% of overall complaints. The advertisements on radio received 5% of complaints and brochure ads triggered 4% of all complaints.

Figure 10: Medium of complained about ads received across Europe in 2017¹²



Source: EASA European SRO member statistics 2017

The breakdown of the complaints per media which triggered complaints between 2013 and 2017 is presented in

Table 2.

¹² For France (ARPP) and Switzerland (CSL/SLK), only complaints that were pursued are included. For the Netherlands (SRC), only complaints that were handled by the Advertising Code Committee are included.

Table 2: Complaints per medium across Europe from 2013 to 2017 (European total average)

Medium	2017	2016	2015	2014	2013
	% of total complaints				
<i>Digital Marketing Communications</i>	57%	34%	36%	39%	31%
<i>Audio visual media</i>	13%	29%	32%	26%	32%
<i>Outdoor</i>	9%	17%	6%	6%	7%
<i>Press/Magazines</i>	8%	5%	10%	13%	13%
<i>Radio</i>	5%	2%	2%	2%	2%
<i>Brochures / leaflets</i>	4%	3%	3%	3%	4%
<i>Packaging/ labels</i>	2%	1%	1%	1%	1%
<i>Direct marketing</i>	1%	4%	5%	5%	5%
<i>Other</i>	1%	6%	5%	3%	4%

Source: EASA European SRO member statistics 2017

Moreover, four European SROs (Hungary, the Netherlands and Poland) resolved in total 4 complaints on sponsorship.

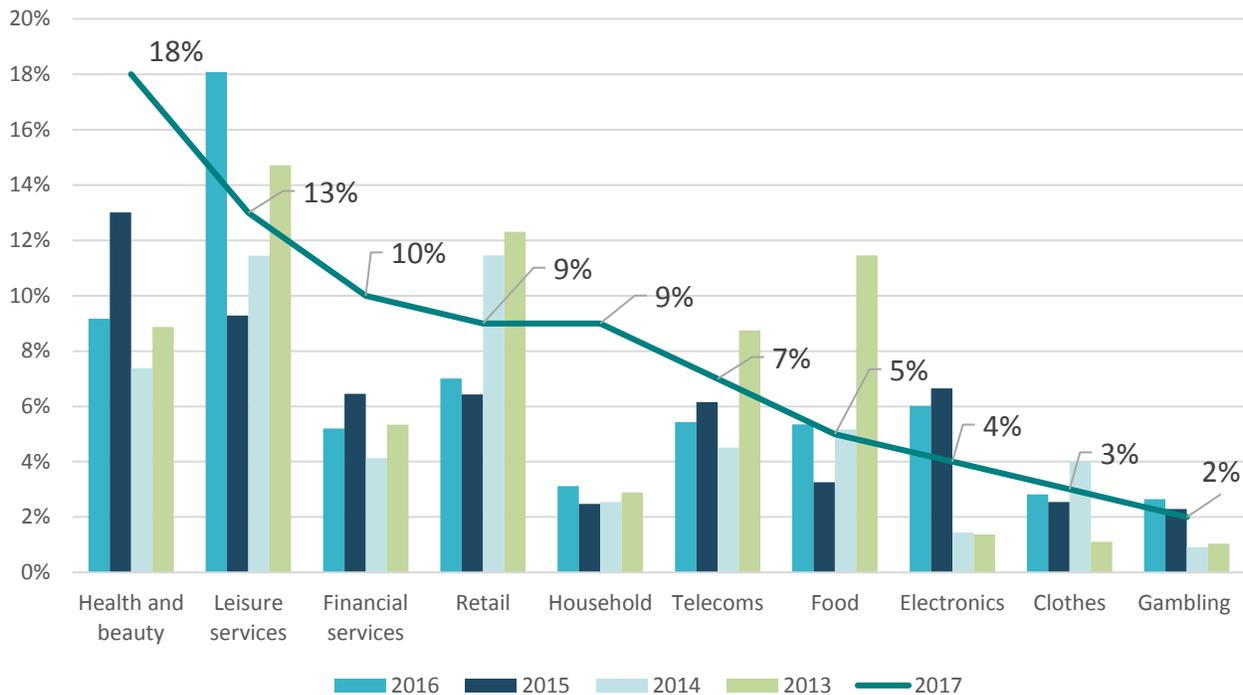
2.8 Complaints about Advertising for Products and Services

Ads for leisure services, health and beauty products and the retail sector were the most complained about

A comparison of the products and services that generated a significant number of complaints between 2013 and 2017 (see Figure 11) shows that the highest proportion of complaints was received against advertisements for health and beauty products and services (18%) which significantly increased in comparison to last year when 9% of complaints were registered under this category.

By contrast, complaints about ads for leisure services decreased to 13% from the previous 18%. It was followed by complaints about ads promoting financial services (10%), retail (9%) and household products and services, which saw a particular increase from only 3% of complaints in 2016. The rest of the frequently complained about product and service categories were telecoms (7%), food (5%), electronics (4%), clothes (3%) and gambling (2%).

Figure 11: Complaints per products/services across Europe from 2012 to 2017 (European total average)¹³



Source: EASA European SRO member statistics 2017

¹³ For France (ARPP) and Switzerland (CSL/SLK), only complaints that were pursued are included. For the Netherlands (SRC), only complaints that were handled by the Advertising Code Committee are included.

Table 3 presents a full overview of complaints per product/service across Europe in 2017.

Table 3: Complaints per products/services across Europe in 2017

<i>Complaints by key sectoral groups</i>	<i>% of total complaints</i>
<i>Complaints regarding services</i>	52%
<i>Complaints regarding products</i>	48%
<i>Complaints by sectoral groups</i>	<i>% of total complaints</i>
<i>Health and beauty</i>	12%
<i>Leisure services</i>	13%
<i>Furniture and household goods</i>	7%
<i>Financial services and business directories</i>	10%
<i>Retail</i>	9%
<i>Telecommunications</i>	7%
<i>Health and beauty services</i>	6%
<i>Electronic goods</i>	4%
<i>Non-commercial</i>	4%
<i>Food</i>	4%
<i>Clothing, footwear and accessories</i>	3%
<i>Gambling and lotteries</i>	3%
<i>Cars and motorised vehicles</i>	4%
<i>House maintenance services</i>	2%
<i>Real estate services</i>	2%
<i>Books, magazines, newspapers, stationery</i>	1%
<i>Alcohol beverages</i>	1%
<i>Non-alcohol beverages</i>	1%
<i>Other products</i>	4%
<i>Other services</i>	3%

Source: EASA European SRO member statistics 2017

2.9 Appeals

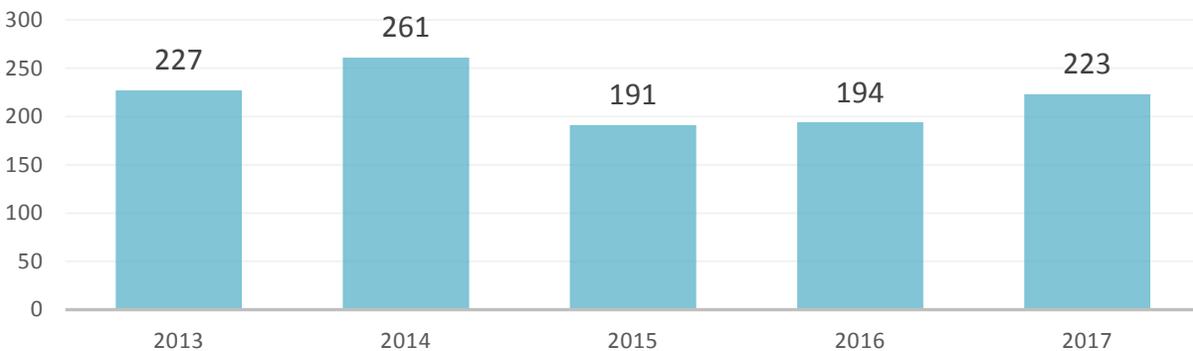
In 2017 the number of appeals slightly increased

Both complainants and advertisers have the right to request a review of decisions taken by the jury or complaints committee, for example when new evidence is available. Appeals are normally dealt with by a different body from the jury responsible for the original decision.

European SROs received a total of 223 appeal requests in 2017. Figure 12 below illustrates the number of appeals per year from 2013 to 2017. In 2017 the number of appeals has increased by 13% in comparison to 2016, but overall remained very low accounting for only 0.4% of total complaints.

Of the 223 appeals, slightly less than two thirds (63%) were lodged by the complainants and remaining 37% by the advertisers concerned.

Figure 12: Appeals across Europe from 2013 to 2017¹⁴



Source: EASA European SRO member statistics 2017

¹⁴ Except Germany (WBZ) and Switzerland (CSL/SLK).

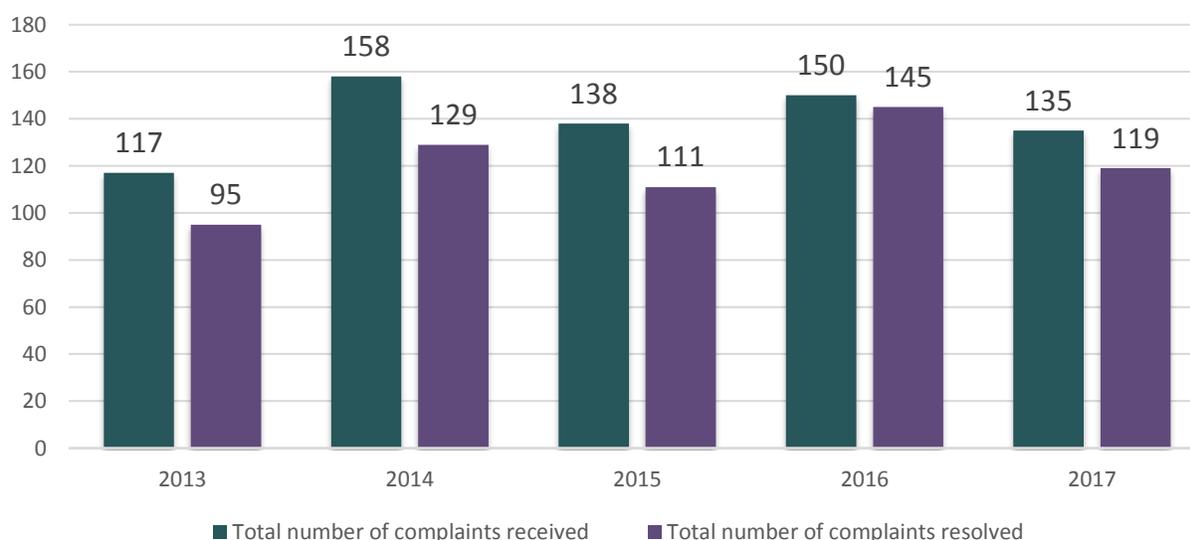
3 Cross-Border Complaints

In 2017, SROs received 135 cross-border complaints

Out of all the complaints received by European SROs, 135 were cross-border complaints (CBC). Cross-border complaints are complaints about advertisements originating in media or from advertisers based in another country than that of the complainant. The EASA Secretariat co-ordinates these types of complaints through the EASA CBC system established in 1992.

In 2017, SROs received a total of 135 cross-border complaints, 11% less than in 2016¹⁵. Of all the cross-border complaints received, 119 were resolved over the course of 2017, and the remaining cases were resolved in 2018 (see Figure 13).

Figure 13: Cross-border complaints received/received and resolved between 2013 and 2017



Source: EASA Annual Cross-Border Complaints Report 2017

In 2017 advertisements from the Netherlands and Ireland generated the highest number of cross-border complaints, 38% and 14% complaints respectively. Meanwhile, the vast majority of cross-border complaints were lodged by UK consumers (76%). The visual representation of the CBC trends in terms of countries transferring the complaints can be found in Figure 14 below.

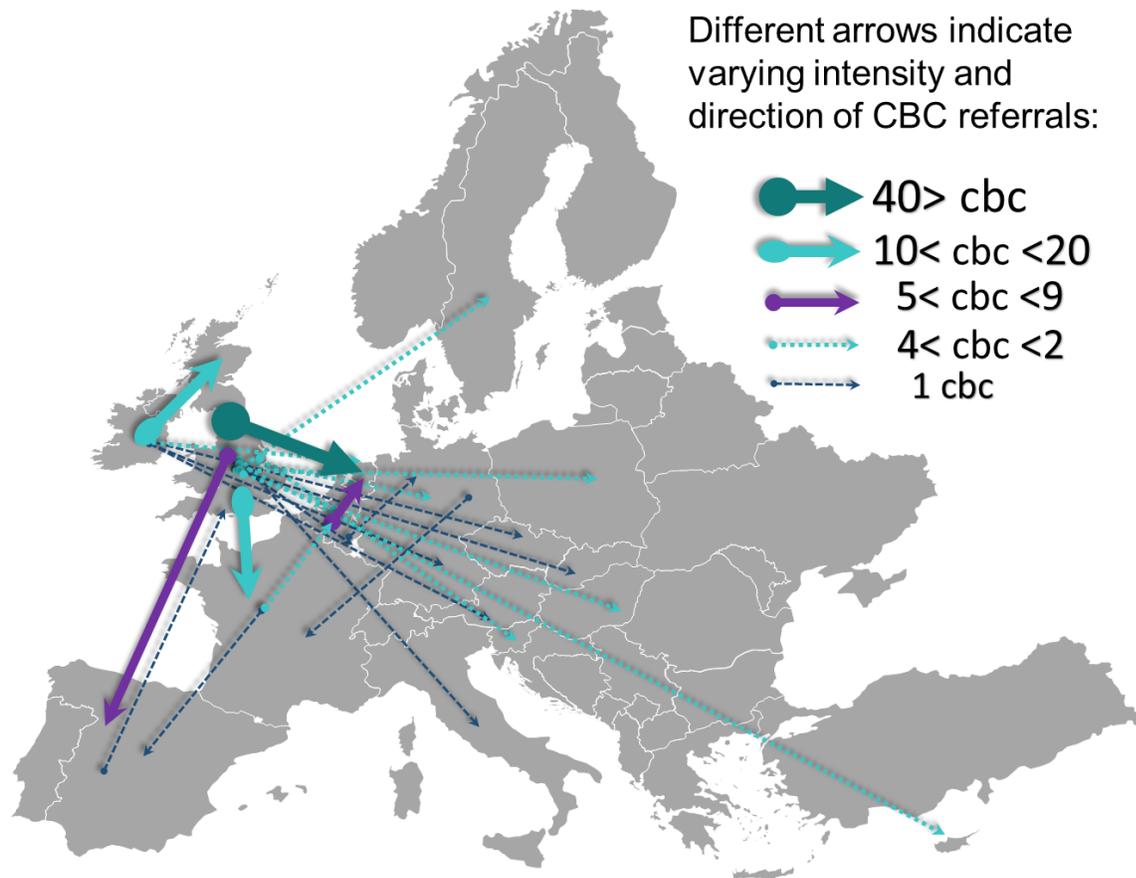
The most complained about issue was allegedly misleading advertising (81% of complaints) followed by issues regarding social responsibility (8% of complaints), and taste and decency (8% of complaints).

¹⁵ EASA Annual Cross-Border Complaints Report 2017 is available on [EASA website](#).

In terms of media, the majority of cross-border complaints concerned Digital Marketing Communications (81% of complaints). Direct marketing and Audiovisual media services received respectively 10% and 5% of total complaints.

Advertisements for leisure and tourism services¹⁶, including mostly those for hotels and holiday accommodation, prompted the highest number of cross-border complaints by sector in 2017 at 39%, followed by health and beauty products and services and clothing/ footwear products each with 9% of complaints.

Figure 14: Cross-border complaints' referral map: visual presentation of CBCs trend in Europe in 2017



Source: EASA Annual Cross-Border Complaints Report 2017

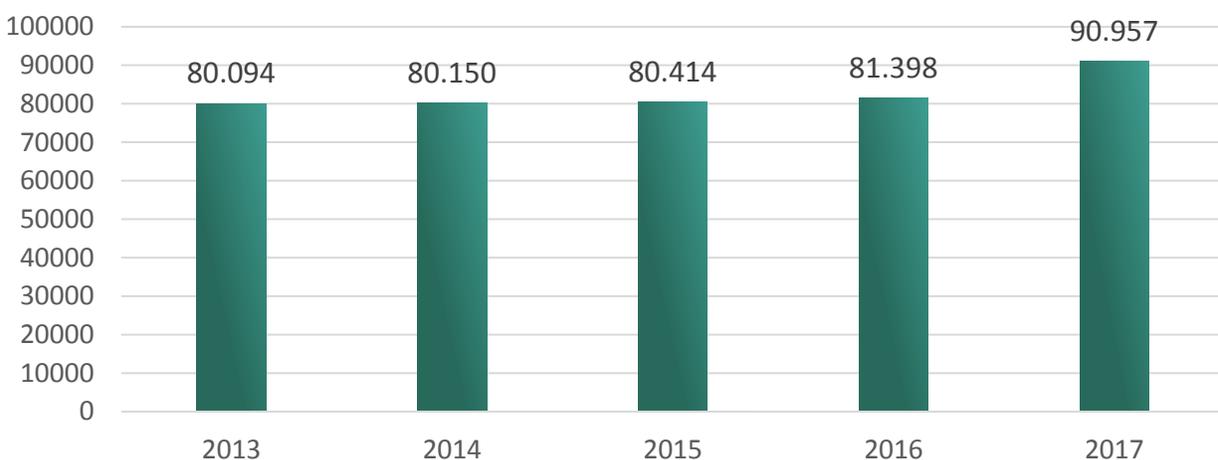
¹⁶ This category includes hotels and holiday accommodation, travel and renting services, entertainment, sports and leisure activities and dating services

4 Copy Advice Requests

The number of copy advice requests significantly increased in 2017; almost all requests were handled within three days

When copy advice is provided by an SRO, it enables companies to request non-binding feedback on a confidential basis as to whether their ad meets required advertising standards before it goes live. Companies can ask for advice at any stage of the campaign development process. Currently, across Europe, 25 out of 27 of EASA’s SROs offer copy advice.

Figure 15: Copy advice requests across Europe from 2013 to 2017¹⁷



Source: EASA European SRO member statistics 2017

Figure 15 above illustrates the numbers of copy advice requests dealt with across Europe. The European SROs provided a total of 90.957 copy advice services in 2017 – an increase of 10.5% compared to the previous year.

99.8% of copy advice requests dealt with by SROs in 2017 were handled within three days. Of those, 12% were dealt within less than 24 hours, an additional 27,2% in less than 48 hours, and 60,6% within 72 hours.

Table 4 presents a full overview of copy advice requests per country across Europe from 2013 to 2017.

Table 4: Copy advice requests per country across Europe from 2013 to 2017

Country/SRO	No	2017	2016	2015	2014	2013
		Copy Advice Requests				
UK – ASA	1	5.168	3.839	5.766	6.258	7.288
UK – Clearcast		32.431	32.653	35.000	35.055	35.546

¹⁷ Except Switzerland (CSL/SLK) and Norway (MFU).

UK – Total		37.599	36.492	40.766	39.097	42.834
ES – AUTOCONTROL	2	31.568	26.199	21.716	20.790	20.147
FR – ARPP	3	19.296	16.004	15.273	15.309	14.574
DE – DWR	4	20	25	26	55	34
DE – WBZ		1.200	1.300	1.400	1.500	1.400
DE – Total		1.220	1.325	1.426	1.555	1.434
HU – ÖRT	5	670	674	623	618	625
IT – IAP	6	171	187	142	133	136
IE – ASAI	7	135	165	63	57	66
TR – RÖK	8	76	76	104	111	64
PT – ICAP	9	61	85	81	69	44
RO – RAC	10	32	29	30	22	30
CY – CARO	11	32	26	38	27	16
PL – RR	12	30	39	53	39	27
BE – JEP	13	16	14	30	24	32
BG – NCSR	14	14	23	18	21	20
SE – Ro.	15	13	25	17	16	3
SI – SOZ	16	9	6	4	12	13
CZ – CRPR	17	5	10	12	15	7
AT – ÖWR	18	5	4	5	2	8
SK – SRPR	19	5	3	5	7	2
NL – SRC	20	3	3	0	4	5
FI – MEN	21	1	4	0	0	0
GR – SEE	22	1	1	6	6	7
LU – CLEP	23	0	0	0	0	0

Source: EASA European SRO member statistics 2017

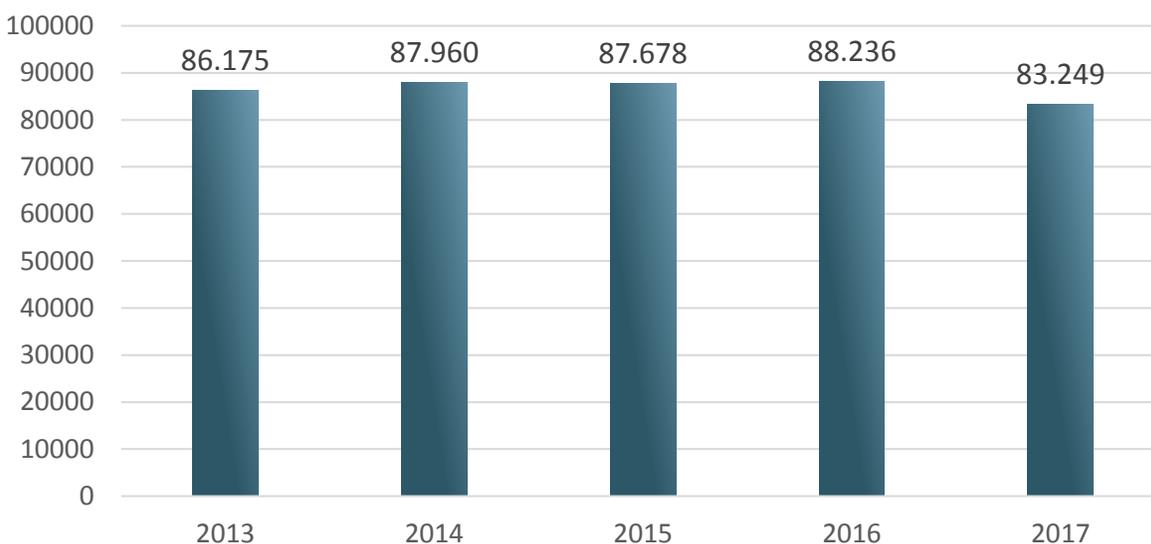
5 Pre-Clearance Requests

83.249 ads were pre-cleared in 2017 by the three SROs providing this service

In some countries, certain categories of advertising, e.g. TV and radio advertising or advertisements for alcohol, are subject to compulsory pre-clearance. This means that advertisements in those categories must be assessed by the advertising self-regulatory organisation (SRO) for compliance with the relevant statutory or self-regulatory code before they can be broadcast or published.

As showed in Figure 16 below, in 2017, a total of 83.249 TV advertisements were reviewed by SROs in the UK, France and Portugal (61.181 were pre-cleared by Clearcast; 22.181 by ARPP, and 62 alcohol advertisements were pre-cleared by ARP¹⁸).

Figure 16: Pre-clearance requests across Europe from 2013 to 2017



Source: EASA European SRO member statistics 2017

Overall, the number of pre-clearance requests decreased slightly (by 6%) since 2016.

¹⁸ The service of pre-clearance was introduced in 2014. Following the agreement between ICAP in Portugal and two national alcohol associations and subsequent approval of the Self-Regulatory Code on Alcohol Beverages – Wine & Spirits, members of the alcohol associations are obliged to have their advertisements pre-cleared.

Annex A: Definitions and Key Terms

General Definitions

Complaint

A complaint is defined as an expression of concern about an advertisement by a member of the general public, a competitor, an interest group, etc. which requires a response. One complaint is defined as one or several different concerns about one advertisement by the same complainant.

Case

A case is defined as an advertisement subject to assessment/investigation by the SRO jury. Cases include assessments and decisions taken by all competent SRO bodies, such as the SRO council/jury, the SRO complaints committee or the SRO secretariat

Copy advice

Advice on (a) proposed advertisement(s) provided by a self-regulatory body, usually on a non-binding basis, as to whether or not it is compliant with the local advertising code.

Pre-clearance

Examination of an advertisement by a self-regulatory body or another body/institution as a compulsory precondition from publication or transmission.

Ban

A complete ban on advertising of the product/issue concerned, usually made by law.

Restriction

Codes/laws in place which significantly affect the advertising of the product/issue concerned.

Case handling duration

The time lapsed from the receipt of the complaint until the moment where the decision is made effective.

SR Code

The self-regulatory (SR) Code is a set of rules governing the content of advertising.

Own-initiative investigation (SRO)

Examination of advertisements by an SRO jury following the flagging of these ads by the SRO secretariat, e.g. through a monitoring exercise.

Appeal

Challenge to the complaints committee's decision either by the complainant or the advertiser, for example on the basis of new evidence. Appeals are normally considered by a different body than the jury which reached the original decision.

Outcomes of Complaints

Upheld

Complaints that are investigated by the SRO and adjudicated by the SRO jury are upheld if the jury decides that the marketing communication does breach the advertising codes. Subsequently the advertiser is asked to withdraw or change the advertisement to ensure it complies with the rules.

Not upheld

Complaints that are investigated by the SRO and adjudicated by the SRO jury are not upheld if the jury decides that the marketing communication does not breach the advertising codes. No further action is taken.

Not pursued/not investigated

A complaint is not pursued if the SRO considers that there is no basis for investigation (e.g. the concern of the complainant would not be shared by most people) and subsequently dismisses the complaint; or where not enough information was provided by the complainant or the requirements of complaint submission were not met.

Resolved informally

When a minor or clear-cut breach of the self-regulatory codes has been made, the SRO may decide to resolve the complaint informally, i.e. the marketer agrees to change or withdraw its marketing communication right away.

Transferred to appropriate authority

For example, complaints that have been transferred to the appropriate legal backstop.

Out of remit

A complaint falls out of remit if either the complaint or the marketing communication falls outside the scope of the self-regulatory code (e.g. the complaint is about the product advertised and not the advertisement as such). However, the SRO might decide to forward the complaint to another complaint handling body for action.

Nature of the Complaints

Misleading advertising

Misleading advertising refers to any claim, whether made expressly, by implication, or by omission, which is likely to lead members of the general public to suppose that the advertised goods or services, or the conditions (including price) under which they are offered, are materially different from what is in fact the case.

A marketing communication should not contain any statement, or audio or visual treatment which, directly or by implication, omission, ambiguity or exaggeration, is likely to mislead a member of the general public.

Social responsibility

A marketing communication should respect human dignity and should not incite or condone any form of discrimination, neither denigrate any person or group of persons, firm, organisation, industrial or commercial activity, profession or product. Moreover, advertisements should be so framed as not to abuse the trust of people, exploit their lack of experience or knowledge and should not without justifiable reason play on fear or exploit misfortune or suffering.

A marketing communication should pay particular attention to advertising for children and should not suggest that possession or use of the promoted product will give a child or young person physical, psychological or social advantages over other children or young people, and should not undermine the

authority, responsibility, judgment or tastes of parents, having regard to relevant social and cultural values. Advertising targeting children should not present prices in such a way as to lead children and young people to an unrealistic perception of the cost or value of the product, or imply that the product is immediately within the reach of every family budget.

Health and safety

Advertisements should not without reason, justifiable on educational or social grounds, contain any visual presentation or any description of dangerous practices or of situations which show a disregard for safety or health.

Taste and decency

Advertisements should not contain statements or visual presentations which offend prevailing standards of decency. Claims over taste and decency issues include complaints lodged in relation to alleged offensiveness, discrimination based on gender and inappropriate sexualisation as well as inappropriateness for children audience. This may include shocking images or claims used merely to attract attention, sexually offensive material, hostile or discriminatory content, as well as content that might cause distress to children.

Denigration of competitors

Advertisements should not make incorrect, false, unduly announcements to give bad effects to reputation, financial situation, business activities in goods and services of competitors in order to obtain a competitive edge.

Notes

2017

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